

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

**DEFENDANT HITACHI KOKI'S RULE 12(b)(6) MOTION
TO PARTIALLY DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Hitachi Koki U.S.A., Ltd. (“Hitachi Koki”) respectfully moves to dismiss Plaintiff Senco Brands, Inc. (“Senco”) allegations of (i) willful infringement in all Counts and (ii) indirect infringement in Count VII, and therefore partially dismiss with prejudice Senco’s First Amended Complaint for Patent Infringement (D.I. 12). The grounds for this motion are fully set forth in the Opening Brief in Support of Hitachi Koki’s Motion to Dismiss, which is being filed contemporaneously with this motion.

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September 11, 2017

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ORDER

This Court having considered Defendant Hitachi Koki U.S.A., Ltd. (“Hitachi Koki”) Rule 12(b)(6) Motion to Dismiss Plaintiff’s First Amended Complaint (D.I. 12), finds that it is well taken and should be GRANTED.

IT IS SO ORDERED that (i) allegations of willful infringement in all Counts and (ii) Count VII in Plaintiff's First Amended Complaint are dismissed with prejudice.

DATE

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on September 11, 2017, upon the following in the manner indicated:

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